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PART IV

Section—1-A.

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 647—Legis. 3-52-5, dated Bangalore, 4th July 1952.

Ordered that the Constitution (Second Amendment) Bill, 1952, the Delimitation Commission Bill, 1952 and the Repealing and Amending Bill, 1952, which were introduced in the House of the People on the 18th June 1952 and published in the *Gazette of India*, Part II, Section 2, dated the 21st June 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

HOUSE OF THE PEOPLE.

The following Bills were introduced in the House of the People on 18th June 1952:—

BILL NO. 54 OF 1952.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (Second Amendment) Act, 1952.

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2. Amendment of article 81.—In sub-clause (b) of clause (1) of article 81 of the Constitution, for the figures "750,000" the figures "850,000" and for the figures "500,000" the figures "650,000" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Article 81 (1) (a) prescribes an absolute limit of 500 elected members in the House of the People. Article 81 (1) (b) provides that the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population.

The present delimitation of Parliamentary and Assembly Constituencies is based on the estimates of population which have been given legal validity by an order of the President under article 387 of the Constitution. Article 81 (3) of the Constitution, however, requires that upon the completion of each census, the representation of the several territorial constituencies in the House of the People and the Legislative Assemblies of ea h State shall be re-adjusted by such authority, in such manner and with effect from such date as Parliament may by law determine. A Bill providing for the matters referred to in that article is being introduced in Parliament. Provision has been made in that Bill for the setting up of a Delimitation Commission for the purpose of effecting re-adjustment of the representation in the House of the People and in the State Legislative Assemblies on the basis of the population as ascertained at the census of 1951.

There is a considerable difference between the population of the several States as estimat d in the President s order and in the population as ascertained at the census of 1951. At present, seets have been allotted in the House of the People to Part A and Part B States on the basis of one member for every 7·2 lakhs of the estimated population giving a total of 470 members to these States. The census figures are higher in all cases, and in view of the overall limit of 500 members prescribed in article 81(1)(a), it is not possible to increase appreciably the total number of seats allotted to these States. It is accordingly necessary to reduce the representation from one member for every 7·2 lakhs of population to one member for every 7·5 lakhs of population as per 1951 census. As pointed out above, this figure 7·5 lakhs is the maximum permissible under article 81(1)(b) as it now stands; but even so, if the average population of a Parliamentary Constituency in any State is to be 750,000, it is obvious that the population of a certain number of constituencies will exceed that figure. It is necessary, therefore, that article 81 (1) (b) should be amended relaxing the limits prescribed in that article so as to avoid a constitutional irregularity in delimiting constituencies for the purpose of re-adjustment of representation in the House of the People as required under article 81 (3) of the Constitution. This Bill accordingly seeks to amend article 81 (1) (b) of the constitution so as to replace the figures mentioned in that article by the figures 850,000 and 650,000 respectively.

C. C. BISWAS.

NEW DELHI;
The 19th May, 1952.

BILL* NO. 53 OF 1952. 787

A Bill to provide for the re-adjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith.

BE it enacted by Parliament as follows:—

1. Short title.—This act may be called the Delimitation Commission Act, 1952.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the constitution;

(*b*) "Commission" means the Delimitation Commission constituted under section 3;

(*c*) "member" means a member of the Commission and includes the Chairman.

3. Constitution of Delimitation Commission.—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(*a*) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government, and

(*b*) the Chief Election Commissioner, *ex-officio*.

(2) The Central Government shall nominate one of the members appointed under clause (*a*) of sub-section (1) to be the Chairman of the Commission.

4. Duties of the Commission.—It shall be the duty of the Commission to re-adjust the representation of the several territorial constituencies in the House of the People and of the several territorial constituencies in the Legislative Assembly of each State other than Jammu and Kashmir, on the basis of the population as ascertained at the census held in 1951.

5. Associate members.—(1) The Commission shall associate with itself such number of persons not being less than two or more than four from each State other than Jammu and Kashmir as may be determined by it, for the purpose of assisting the Commission when it considers the re-adjustment of the representation of the territorial constituencies, both for the House of the People and Legislative Assembly, in that State.

(2) The persons to be so associated from each State shall be nominated by the Speaker of the Legislative Assembly of the State from among the members of that Assembly and the members of the House of the People representing that State:

Provided that in the case of a Part C State having no Legislative Assembly the members to be so associated shall be the members of the House of the People representing that State.

(3) None of the persons so associated with the Commission shall have a right to vote or to sign any final decision of the Commission.

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to the House of the People the consideration of the Bill.

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6. Procedure and powers of the Commission.—(1) The Commission shall determine its procedure and shall in the performance of its functions have all the powers of a civil court under the Code, of Civil Procedure, 1908 (Act V of 1908), while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document; and

(*c*) requisitioning any public record from any court or office.

(2) The commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(*3*) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (*a*) to (*c*) of sub-section (*1*) and sub-section (*2*), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(*4*) The Commission shall be deemed to be a civil court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—For the purposes of enforcing the attendance of witnesses the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

7. Manner of making readjustment.—In making readjustment of the representation of the several territorial constituencies in the House of the People and in the Legislative Assembly of each State other than Jammu and Kashmir the Commission shall have regard to the following provisions, namely:—

(*a*) The Commission shall first determine the total number of seats to be allotted to the various States in the House of the People, on the basis of the population as ascertained at the census held in 1951 by making such additions to, or reductions in, the number of seats allotted to those States under the Representation of the People Act, 1950 (XLIII of 1950), as it may consider necessary, and in doing so shall have regard to the provisions of clause (*1*) of Article 81.

(*b*) The Commission shall then determine the total number of seats to be assigned to the Legislative Assemblies of Part A and Part B States on the basis of the population as ascertained at the census held in 1951 and in doing so shall have regard to the provisions of clause (*2*) of Article 170 and shall also ensure that the total number of seats assigned to the Legislative Assembly of a State forms an integral multiple of the total number of seats allotted to that State in the House of the People.

(*c*) After having determined the number of seats under clause (*a*) and clause (*b*), the Commission shall distribute those seats and the seats allotted to each of the Legislative Assemblies of Part C States under Section 3 of the Government of Part C States Act, 1951 (XLIX of 1951), to the various territorial constituencies the boundaries of which shall be redrawn by the Commission in accordance with the provisions of the Constitution on the basis of the population as ascertained at the census held in 1951.

(*d*) In delimiting the said constituencies the Commission shall ensure that geographically contiguous areas are, as far as possible, grouped together to form one constituency and shall also take into consideration the physical features of the constituency.

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8. Readjustment of representation and the date of operation of such readjustment.—(*1*) On the completion of its work the Commission shall embody its conclusions in one or more formal order or orders, draw up a report explaining the reasons for the conclusions so embodied, and cause the report and order or orders to be published in the *Gazette of India*; and upon such publication, the order or orders shall have the full force of law.

(*2*) Subject to the provisions of sub-section (*3*), the readjustment of the representation of the several territorial constituencies in the House of the People or in the Legislative Assembly of a State provided for in any order made by the Commission under sub-section (*1*) shall apply in relation to every election to the House of the People or to the Legislative Assembly of such State, as the case may be, held after the publication in the *Gazette of India* of that order, and shall so apply in supersession of the provisions relating to such representation contained in the Representation of the People Act, 1950 (XLIII of 1950), the Government of Part C States Act, 1951 (XLIX of 1951) and the orders made under either of the said Acts.

(*3*) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or the Assembly, as the case may be, existing on the date of publication in the *Gazette of India* of the order made by the Commission under sub-section (*1*) relating to the readjustment of such representation.

9. Power to amend the order after the Commission has ceased to function.—After the Commission has ceased to function any mistake in the order made by the Commission under sub-section (*1*) of Section 8 or any error arising therein from any slip or omission may be corrected, and any other change which is not of a substantial character may be also made therein by the Chief Election Commissioner by order published in the *Gazette of India*.

STATEMENT OF OBJECTS AND REASONS.

Articles 81(3) and 170(4) of the Constitution provide that upon the completion of each census the representation of the several territorial constituencies in the House of the People and in the Legislative Assembly of each State shall be readjusted by such authority, in such manner and with effect from such date, as Parliament may by law determine. The present delimitation of Parliamentary and Assembly constituencies is based on the estimates of population which have been given legal authority by an order of the President under article 387 and are accordingly restricted to elections held during the first three years after the commencement of the Constitution. If any general election has to be held after the 26th January 1953, it will not be constitutionally correct to do so on the basis of the existing delimitation of constituencies. A "readjustment of representation" under articles 81(3) and 170(4) is therefore necessary.

The object of the Bill is to set up a Delimitation Commission for the purpose of effecting readjustment of the representation in the House of the People and in the State Legislative Assemblies (including those of Part C States) on the basis of the population as ascertained at the census of 1951. The Bill also seeks to lay down certain instructions as to the manner in which such readjustment will be made for the guidance of the Delimitation Commission. These instructions are generally based on the provisions of articles 81(1) and 170(2) of the Constitution and the procedure followed in assigning seats to the State Legislative Assemblies and in delimiting Parliamentary and Assembly constituencies under the Representation of the People Act, 1950. It has been also provided in the Bill that the readjustment will apply to every general election to the House of the People or to a

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State Legislative Assembly held after the final orders of the Commission have been published, and to every bye-election arising from such general election.

C. C. BISWAS.

NEW DELHI;
The 19th May, 1952.

Financial Memorandum

The Delimitation Commission Bill contemplates the setting up of a Delimitation Commission for the purpose of effecting readjustment of the representation in the House of th People and in the State Legislative Assemblies on the basis of the population as ascertained at the census held in 1951, as required under clause (*3*) of article 81 and clause (*4*) of article 170 of the Constitution.

The Commission is to consist of three members of whom two shall be appointed from among persons who are or have been judges of the Supreme Court or of a High Court and the Chief Election Commissioner shall be an *ex-officio* member of the Commission. The Commission shall also associate with itself persons nominated by the Speakers of the several Legislative Assemblies for assisting the Commission. The Commission will also have a small office staff. It is difficult to anticipate how long the Commission will take to complete its work or to make an estimate of its expenditure. As far as can be anticipated, the cost involved will be about Rs. 2,00,000 (non-recurring) for a period of about six months. The estimate is necessarily a rough one.

BILL NO. 55 OF 1952

A Bill to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Repealing and Amending Act, 1952.

2. Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4 Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, from or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

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THE FIRST SCHEDULE

REPEALS

(*See* section 2)

Year	No.	Short title	Extent of repeal
1	2	3	4
		Regulations	
1818	III	The Bengal State Prisoners Reguiation, 1818.	The whole.
1819	II	The Madras State Prisoners Regulation, 1819.	The whole.
1827	XXV	The Bombay State Prisoners Regulation, 1827.	The whole.
		Acts of the Governor-General of India in Council.	
1839	XX	The Bombay Haqqa Prohibition Act, 1839.	The whole.
1839	XXIV	The Ganjam and Vizagapatam Act, 1839.	The whole.
1839	XXIX	The Dower Act, 1839	The whole.
1841	XXIV	The Illusory Appointments and Infants' Property Act, 1841.	The whole.
1843	V	The Indian Slavery Act, 1843	The whole.
1846	I	The Legal Practitioners Act, 1846 ...	The whole.
1850	XXXIV	The State Prisoners Act, 1850	The whole.
1853	XX	The Legal Practitioners Act, 1853 ...	The whole.
1854	XXXI	The Conveyance of Land Act, 1854 ...	The whole.
1855	XI	The Mesne Profits and Improvements Act, 1855.	The whole.
1855	XXIII	The Mortgaged Estates Administration Act, 1855.	The whole.
1858	III	The State Prisoners Act, 1858	The whole.
1866	XXVII	The Indian Trustees Act, 1866	The whole.
1866	XXVIII	The Trustees' and Mortgagees' Power Act, 1866.	The whole.
1867	XXIII	The Punjab Murderous Outrages Act, 1867.	The whole.
1870	VIII	The Female Infanticide Prevention Act, 1870.	The whole.
1881	I	The Taj Mahal's Pension Act, 1881 ...	The whole.
1884	II	The Madras Partition-deeds (Validation) Act, 1884.	The whole.
1898	VI	The Indian Post Office Act, 1898 ...	Section 77.
1898	X	The Indian Insolvency Rules Act, 1898 ...	The whole.
1908	V	The Code of Civil Procedure, 1908 ...	Sections 154 and 155 and the Fourth Schedule.
1911	I	The Opium (Amendment) Act, 1911 ...	The whole.
1917	XXVI	The Transfer of Property (Validating) Act, 1917.	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Indian Legislature.	
1924	XIII	The Indian (Specified Instruments) Stamp Act, 1924.	The whole.
1925	XXII	The Salt Law Amendment Aet, 1925 ...	The whole.
1929	X	The Indian Census Act, 1929 ...	The whole.
1932	VIII	The Bengal Criminal Law Amendment (Supplementary) Act, 1932.	The whole.
1933	IX	The Provincial Criminal Law Supplementing Act, 1933.	The whole.
1940	XVIII	The National Service (European British Subjects) Act, 1940.	The whole.
1941	II	The Indian Merchandise Marks (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941 ...	The whole.
1942	XIII	The Agricultural Produce (Grading and Marking) (Amendment) Act, 1942.	The whole.
1942	XIV	The India nTolls (Army) (Amendment) Act, 1942.	The whole.
1942	XXVI	The Federal Court (Supplemental Powers) Act, 1942.	The whole.
		Acts of the Dominion Legislature.	
1949	III	The Indian Emigration (Amendment) Act, 1949.	The whole.
1949	V	The Protective Duties (Amendment) Act, 1949.	The whole.
1949	VI	The Public Debt (Central Government) Amendment Act, 1949.	The whole.
1949	IX	The Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XI	The Railways (Transport of Goods) Amendment Act, 1949.	The whole.
1949	XII	The Protective Duties (Miscellaneous Provisions Act, 1949.	The whole.
1949	XV	The Code of Criminal Procedure (Second Amendment) Act, 1949.	The whole.
1949	XVI	The Governor-General's Salary (Exemption from Taxation) Act, 1949.	The whole.
1949	XVII	The Criminal Law (Removal of Racial Discriminations) Act, 1949.	The whole.
1949	XIX	The Essential Supplies (Temporary Powers) amendment Act, 1949.	The whole.
1949	XXVI	The Indian Tea Control (Amendment) Act. 1949.	The whole.
1949	XXVII	The Bombay Port Trust (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—contd.	
1949	XXVIII	The Coal Mines Labour Welfare Fund (Amendment) Act, 1949.	The whole.
1949	XXIX	The Dock workers (Regulation of Employment) Amendment Act, 1949.	The whole.
1949	XXX	The Public Companies (Limitation of Dividends) Act, 1949.	The whole.
1949	XXXI	The Indian Wireless Telegraphy (Amendment) Act, 1949.	The whole.
1949	XXXII	The Code of Civil Procedure (Amendment) Act, 1949.	The whole.
1949	XXXIII	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	XXXIV	The Coffee Market Expansion (Amendment) Act, 1949.	The whole.
1949	XXXV	The Indian Succession (Amendment) Act, 1949.	The whole.
1949	XXXVI	The Indian Passport (Amendment) Act 1949.	The whole.
1949	XXXVII	The Registration of Foreigners (Amendment) Act, 1949.	The whole.
1949	XXXVIII	The Chartered Accountants Act, 1949.	Section 33.
1949	XXXIX	The Cinematograph (Amendment) Act, 1949.	The whole.
1949	XL	The Repealing and Amending Act, 1949.	The whole.
1949	XLI	The Child Marriage Restraint (Amendment) Act, 1949.	The whole.
1949	XLII	The Indian Penal Code and the Code of Criminal Procedure (Amendment) Act, 1949.	The whole.
1949	XLIII	The Indian Tariff (Second Amendment) Act, 1949.	The whole.
1949	XLIV	The Reserve Bank of India (Amendment) Act, 1949.	The whole.
1949	XLV	The Industrial Finance Corporation (Amendment) Act, 1949.	The whole.
1949	XLVII	The Indian Arms (Amendment) Act, 1949.	The whole.
1949	XLIX	The Essential Supplies (Temporary Powers) Second Amendment Act, 1949.	The whole.
1949	L	The Rubber (Production and Marketing) Amendment Act, 1949.	The whole.
1949	LII	The Merchant Shipping and Lighthouse (Amendment) Act, 1949.	The whole.
1949	LIV	The Industrial Disputes (Banking and Insurance Companies) Act, 1949.	Section 3.
1949	LVI	The Indian Railways (Amendment) Act, 1949.	The whole.

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Year	No.	Short title	Extent of repeal
1	2	3	4
		Acts of the Dominion Legislature—concld.	
1949	LVII	The Electricity (Supply) Amendment Act, 1949.	The whole.
1949	LVIII	The Inland Steam-vessels (Amendment) Act, 1949.	The whole.
1949	LXIII	The Imports and Exports (Control) Amendment Act, 1949.	The whole.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	Section 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3)

Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council.	
1860	XLV	The Indian Penal Code.	In section 42, the words "the territories comprised in" shall be omitted.
1872	III	The Special Marriage Act, 1872.	In clause (*2*) of section 2 and in Item 3 of the 'Declaration to be made by the Bride' in the Second Schedule, for the word "fourteen" the word "fifteen" shall be substituted.
1872	XV	The Indian Christian Marriage Act, 1872.	In Section 81,— (*i*) the words and figures "and the officers appointed under section 56" shall be omitted, and (*ii*) for the words "them respectively", wherever they occur, the word "him" shall be substituted.
1882	IV	The Transfer of Property Act, 1882.	In section 69, the words and figures "Notwithstanding anything contained in the Trustees' and Mortgagees' Powers Act, 1866" shall be omitted.

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Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—contd.	
1890	IX	The Indian Railways Act, 1890.	In sub-section (1) of Section 47, for the words beginning with "Every railway company" and ending with "for the following purposes, namely" the following words shall be substituted, namely :— "Every railway company and in the case of a railway administered by the Governe ment, an officer to be appointed by th- Central Government in this behalf shall make general rules consistent with this Act for the following purposes, namely".
1898	IX	The Live-stock Importation Act, 1898.	In sub-section (*1*) of section 3, for the words and letters "the territories for the time being comprised within Part A States and Part C States" the words "the territories to which this Act extends" shall be substituted.
1911	II	The Indian Patents and Designs Act, 1911.	(*i*) In clause (*7*) of section 2, the words "with reference to any area" shall be omitted. (*ii*) In sub-section (*2*) of section 23F, the words "and accompanied by the prescribed fee" shall be omitted.
1913	III	The Administrator-General's Act, 1913.	(*i*) In sections 15 and 16, after the figures "1893" the word "or" shall be inserted. (*ii*) For section 17 the following section shall be substituted, namely :— "17. *Power to grant Administrator General letters limited to purpose of dealing with assets in accordance with the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of private Property) Act, 1950.*— If the Administrator-General applies in accordance with the provisions of the Regimental Debts Act, 1893, or the Army and Air Force (Disposal of Private Property) Act, 1950, for letters of administration of the estate of any person subject to the Army Act or the Air Force Act or the Army Act, 1950 (XLVI) of 1950), or the Air Force Act, 1950 (XLV of 1950), the court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893, or, as the case may be, the Army and Air Force (Disposal of Private Property Act, 1950 (XL of 1950)."

Year	No.	Short title	Amendments
1	2	3	4
		Acts of the Governor-General of India in Council—concld.	
1922	VIII	The Delhi University Act, 1922.	In sub-section (*4*) of section 29, for the word "Statutes" the word "Statute" shall be substituted.
1922	XIII	The Ranchi Mental Hospital Act, 1922.	In sub-section (*1*) of section 4, for clauses (*e*) and (*f*) the following clauses shall be substituted, namely :— "(*e*) one Trustee elected by the association registered under the Indian Companies Act, 1913 by the name of the United Kingdom Citizens' Association ; and (*d*) one Trustee elected by the association registered under the Indian Companies Act, 1913 (VII of 1913) by the name of the All India Anglo-Indian Association ;".
		Acts of the Indian Legislature.	
1923	V	The Indian Boilers Act, 1923.	In clause (*d*) of sub-section (*2*) of section 27A, for the words "Chief Commissioner of Railways" the words "Chairman, Railway Board" shall be substituted.
1923	XIV	The Indian Cotton Cess Act, 1923.	In item (*i*) of section 4 and in sub-section (*2*) of section 5, for the word "Vice-Chairman" the word "Vice-President" shall be substituted.
1925	XXXIX	The Indian Succession Act, 1925.	(*i*) In section 318, the words "of India" shall be omitted. (*ii*) In section 380, in the first paragraph the word "all" and in the last paragraph the words "of India" shall be omitted. (*iii*) In column 2 of the first table under the heading "Debts" in Schedule VIII, for the word "Number" the word "Name" shall be substituted.
1939	IV	The Motor Vehicles Act, 1939.	In clause (*g*) of sub-section (*1*) of section 108, for the words "Superintendent of Insurance", in both the places where they occur, the words "Controller of Insurance" shall be substituted.
1940	V	The Trade Marks Act, 1940.	In sub-section (*2*) of section 84, clause (*ii*) shall be omitted.
1944	I	The Central Excises and Salt Act, 1944.	In column 3 of item 5 of the First Schedule, the words, figures and brackets "For the year ending the 31st day of March, 1944, the rate fixed by section 2 of the Indian Finance Act, 1943, read with section 5 of the Indian Finance (Supplementary and Extending) Act, 1931 and thereafter" shall be omitted.

Year	No.	Short title	Amendments
1	2	3	4
		Acts of Parliament.	
1950	XXIX	The Transfer of Prisoners Act, 1950.	In clause (*b*) of section 2, for the words "Chief Commissioner" the words "Lieutenant Governor or, as the case may be, the Chief Commissioner" shall be substituted.
1950	XXX	The Part C States (Laws) Act, 1950.	In section 2, the following words shall be omitted, namely:— "and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State."
1950	XXXI	The Administration of Evacuee Property Act, 1950.	In clause (*q*) of sub-section (2) of section 56, for the word and figures "section 38" the word and figures "section 40" shall be substituted.
1950	LXXII	The Essential Supplies (Temporary Powers) Amendment Act, 1950.	In section 1. after the words and brackets "(Temporary Powers)" the word "Second" shall be inserted.
1951	III	The Part B States (Laws) Act, 1951	(*i*) In section 6, for the words "the Act" the words "this Act" shall be substituted. (*ii*) Under the heading "The Indian Christian Marriage Act, 1872" for the direction "For the definition of 'India' substitute", the direction "After the definition of 'church', insert the following definition" shall be substituted. (*iii*) The entry relating to the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949) shall be omitted.
1951	XXXV	The Port Trusts and Ports (Amendment) Act, 1951.	In section 83, after the figures "117" the figures "119" shall be inserted.
1951	LVI	The Press (Objectionable Matter) Act, 1951.	In the Second Schedule— (*i*) In item 12, for the words "The Travancore-Cochin Safety Measures Act" the words "The Travancore-Cochin Public Safety Measures Act" shall be substituted. (*ii*) After item 13, the following item shall be inserted, namely:— "14. The Hyderabad Public Security Measures Act, 1951 (XXIX of 1951)".

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Acts of Parliament—concld.

Year	No.	Short title	Amendments
1	2	3	4
1951	LXIII	The State Financial Corporations Act, 1951.	In the second proviso to section 43, for the word "its" the word "his" shall be substituted.
1952	IX	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.	In item (*iii*) of section 2, after the word, figure and brackets "paragraph (6)" the words and figures "of article 13" shall be inserted.
		Ordinance made by the Governor-General.	
1945	XLVII	The International Monetary Fund and Bank Ordinance, 1945.	In section 3, the word "British" shall be omitted.
		Act of the Governor of Bombay in Council.	
1879	VI	The Bombay Port Trust Act, 1879.	In section 43, for the words "Great Indian Peninsula and the Bombay, Baroda and Central and India Railway Companies" the words "Central Railway and the Western Railway" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

This Bill is one of those periodical measures by which enactments which have ceased to be in force or have become obsolete or the retention whereof as separate Acts is unnecessary are repealed or by which formal defects detected in enactments are corrected. This Bill has been prepared after due consultation with State Governments in so far as the Bill relates to the repeal of certain old and obsolete laws.

The Notes which follow explain the reasons for the repeal or amendment suggested in such of those items of the Bill in respect whereof some detailed explanation is necessary.

Clause 4 of the Bill contains a precautionary provision which it is usual to include in Bills of this kind.

Except for a few further additions this Bill is the same as the Repealing and Amending Bill which was introduced in the Provisional Parliament on the 1st October, 1951, and was pending before it on its dissolution.

C. C. BISWAS.

NEW DELHI,
The 12th June 1952.

Notes on Clauses.

THE FIRST SCHEDULE. 799

The Bengal State Prisoners Regulation, 1818, the Madras State Prisoners Regulation, 1819, and the Bombay State Prisoners Regulation, 1827.—The Preventive Detention Act, 1950, has superseded these Regulations for all practical purposes. Further, some of the provisions contained in these Regulations are of doubtful validity in view of the Constitution.

The Bombay Haqqa Prohibition Act, 1839.—This relic of the past which extends only to the State of Bombay, prohibits the levy of haqs, fees and duties of customs by holders of rent-free lands, and is now both out of date and unnecessary.

The Ganjam and Vizagapatam Act, 1839, is being repealed as obsolete.

The Dower Act, 1839.—This Act has been repealed as to marriages contracted before 1st January, 1866, by Act VIII of 1868 It has necessarily become spent even with respect to the very limited class of cases to which it applies by reason of section 15 of, and the preamble to, the Act, that is to say, to cases in which the English law of Dower would have applied. It is now being repealed as obsolete.

The Illusory Appointments and Infants' Property Act, 1841.—Acts like these are anachronisms at the present day. They apply, if at all, to cases which would have been governed by English law administered by the old Supreme Courts previous to 1841, that is to say, mainly to Englishmen in the presidency-towns. Much of the English law applied to India by this Act has been repealed long ago even in England, and there is no need to perpetuate this Act in India, with all its attendant confusion caused by its unfamiliar land-tenure terms.

The Indian Slavery Act, 1843, is being repealed as otiose.

The Legal Practitioners Act, 1846, and the Legal Practitioners Act, 1853.—These Acts amend the law relating to pleaders in the courts of the East India Company and are obviously obsolete, and have already been repealed in places to which the Legal Practitioners Act, 1879, applies. These Acts are now being formally repealed.

The State Prisoners Act, 1850.—The Preventive Detention Act, 1950, now contains the law on the subject.

The Conveyance of Land Act, 1854.—This is a relic of the past, and applies only to cases in which English law applies. Much of the technicalities of the English law introduced into India by this Act has already been removed by the Law of Property Act, 1925, in England, and there is no justification for the retention of this Act in our Statute-book to apply, if at all, to a few Englishmen.

A powerful judgment in 4 Bom., H.C.R., p. 1, regarding the extent to which English law was applicable to territories acquired by conquest, produced curious results in certain cases (see 6, Bom. 363, where the Statute of Frauds was held applicable to Parsis), and even assuming (without justification) that there is still room for this law to apply, it is time that every one was brought under the ordinary law of the land contained in the Transfer of Property Act and other allied Acts.

Similar considerations apply to the repeal of the *Mesne Profits and Improvements Act, 1885*, and the *Mortgaged Estates Administration Act, 1855.*

The State Prisoners Act, 1958, is being repealed for the same reasons as those given in respect of the State Prisoners Act, 1850.

The Indian Trustees Act, 1866, and the Trustees' and Mortgagees' Powers Act, 1866.—The powers and authority given by these two Acts are to be exercised

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only in cases in which the English law is applicable. Notwithstanding this injunction, West J., in 5 Bom., 154, extended the principles of the Trustees Act to Hindus in the following words :—

> " Sections 3 of the Indian Trustees Act, 1866, cannot be intended to limit the operation of the Act only to cases in which, in their whole extent, the law prevailing in England applies without qualification or reserve, as this would virtually exclude the Acts in any case on which an Act of the Indian Legislature has any bearing. The cases referred to in the section must be cases to which English law is *in some measure* applicable, but in what measure is not indicated in the Act. The English law must be regarded as applicable in the sense intended, if the principles recognised by the English Equity Courts as applicable ".

The Indian Trusts Act, 1882, has now codified the law of trusts and the object of the Bill was expressly stated to be to codify the law of trusts as Acts XXVII of 1866 and XXVIII of 1866 were incomplete on the subject and were of very limited application. The Indian Law Commission in considering codification of the law of trusts stated :—

> " The Courts are introducing, and from the necessities of the case must introduce, the English law of trusts indiscriminately, unless the law distinctly says how far they may go. Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, stepdaughter or daughter-in-law, and her children, are of pretty frequent occurrence among the natives of India, and it is desirable to keep them free from the complication of double estates, in which without the intervention of the Legislature they are certain to become entangled. .....But apart from the native property holder, there is the large body of domiciled Europeans and Eurasians, who have for nearly a century enjoyed and taken advantage of a trust law recognised by our Courts, and now that the number and wealth of this class has increased and every Court in the country may be called upon to administer a trust law, the question of the advisability of its codification seems no longer open to discussion".

These Acts are, therefore, now being repealed firstly, because they are a relic of the past and applies, if at all, to a limited class of cases and in a limited measure and secondly, because the law on the subject is now to be found codified in the Trust Act or in the Transfer of Property Act. Incidentally the English Act, on which the 1866 Act is based has itself undergone considerable modifications and is now consolidated in the Trustee Act, 1925 of England.

The Punjab Murderous Outrages Act, 1867.—This Act is of doubtful utility under modern conditions. It would also appear to offend against the principle of equality before the law and equal protection of laws. Punjab Government has no objection to its repeal.

The Female Infanticide Prevention Act, 1870.—This Act has ceased to be of any utility, and should be removed from the Statute-book as being a blot thereon.

The Taj Mahal's Pension Act, 1881.—This Act is being repealed as spent. The Government of Uttar Pradesh has no objection to its repeal.

The Madras Partition-deeds (Validation) Act, 1884, is being repealed as spent.

The Indian Insolvency Rules Act, 1898.—The only operative part now in force relates to the pension of an old official assignee, and is spent.

The Opium (Amendment) Act, 1911.—This Act is spent. The Government of Uttar Pradesh has no objection to its repeal.

The Transfer of Property (Validating) Act, 1917.—This is being repealed as spent.

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The Indian (Specified Instruments) Stamp Act, 1924.—This is being repealed as spent.

The Bengal Criminal Law Amendment (Supplementary) Act, 1932.—The Preventive Detention Act, 1950, now consolidates the law on the subject, and this Act is being repealed with the consent of the West Bengal Government.

The Provincial Criminal Law Supplementing Act, 1933.—All the Acts referred to and sought to be supplemented have either been repealed or are spent. This Act is, therefore, being repealed with the consent of the State Governments concerned.

The National Service (European British Subjects) Act, 1940.—This Act is no longer required.

The Federal Court Act, 1941.—This Act deals with the power of the Federal Court to make rules and can now be repealed.

The Federal Court (Supplemental Powers) Act, 1942.—This Act authorises the Federal Court to delegate to the Registrar certain judicial or quasi-judicial duties, etc., and is no longer required.

THE SECOND SCHEDULE.

The Indian Penal Code.—As a result of the adaptations made by the Adaptation of Laws Orders, 1948 and 1950, and the amendments made by the Part B States (Laws) Act, 1951, the words "the territories comprised in" occurring in section 42 have become superfluous.

The Special Marriage Act, 1872.—Under the Child Marriage Restraint Act, 1929, the age for marriage for a female was recently raised from 14 years to 15 years, and the present amendment is consequential thereto.

The Indian Christian Marriage Act, 1872.—Section 56 was omitted by the Adaptation of Laws Order, 1950, but through an oversight the reference to section 56 in section 81 was not omitted.

The Transfer of Property Act, 1882.—The amendment to section 69 is consequential upon the repeal of Act XXVIII of 1866.

The Indian Railways Act, 1890.—Section 47 of the Indian Railways Act, 1890, was one of the sections to be amended by Act LVI of 1949. Section 6 of the latter Act, which actually sought to amend section 47, was brought into force by a notification from the 1st February, 1950. But before the Act was brought into force, the Adaptation of Laws Order, 1950, had omitted section 6, with the result that section 6 never came into force. Subsequently, the Part B States (Laws) Act, 1951, which came into force on the 1st April, 1951, sought to amend section 47 on the basis that the amendment contained in section 6 of Act LVI of 1949 was in force. The Adaptation of Laws (Third Amendment) Order, issued on the 4th April, 1951, and deemed to have come into force on the 26th January, 1950, contains a direction which is almost exactly the same as that contained in the Part B States (Laws) Act, 1951. The position is somewhat confusing because the original direction relating to the omission of section 6 not having been cancelled, the subsequent amendments to section 47 appear to be ineffective. The present amendment seeks to clarify the position.

The Live-stock Importation Act, 1898.—In addition to Part A States and Part C States, this Act also extends to the States of Saurashtra and Travancore-Cochin. This consequential amendment was inadvertently omitted when the Act was extended to the States of Saurashtra and Travancore-Cochin by Act III of 1951.

The Indian Patents and Designs Act, 1911.—(i) The words "with reference to any area" occurring in clause (7) of section 2 are unnecessary and are being omitted.

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(ii) The words " and accompanied by the prescribed fee " in sub-section (2) of section 23F are being omitted as this is a matter within the competence of the State Legislature.

The Administrator-General's Act, 1913.—The amendments correct minor inaccuracies arising out of the directions relating to the amendment of sections 15, 16 and 17 of this Act contained in the Part B States (Laws) Act, 1951.

The Delhi University Act, 1922.—This corrects an inadvertent mistake.

The Ranchi Mental Hospital Act 1922.—These amendments seek to insert the correct references to the two associations as they are known at present.

The Indian Boilers Act, 1923.—This amendment is consequential on the abolition of the post of Chief Commissioner of Railways.

The Indian Cotton Cess Act, 1923.—The Vice-Chairman of the Indian Council of Agricultural Research is now designated as the Vice-President of the Indian Council of Agricultural Research.

The Indian Succession Act, 1925.—Amendments Nos. (i) and (ii) were inadvertently omitted both by the Adaptation of Laws Order, 1950, and the Part B States (Laws) Act, 1951.

The Motor Vehicles Act, 1939.—The Superintendent of Insurance is now designated as the Controller of Insurance.

The Trade Marks Act, 1940.—Section 82A has been omitted by Act III of 1951, but this clause, which is consequential upon that section, was not omitted by that Act.

The Central Excises and Salt Act, 1944.—These words have become spent.

The Transfer of Prisoners Act, 1950.—This amendment is consequential upon the institution of the office of Lieutenant-Governorship.

The Part C States (Laws) Act, 1950.—This part of section 2 has been held by a majority of the Judges of the Supreme Court to be *ultra vires* in an opinion given by that Court recently on the validity or otherwise of section 2 as a whole.

The Administration of Evacuee Property Act, 1950.—This amendment corrects a clerical mistake.

The Essential Supplies (Temporary Powers) Amendment Act, 1950.—This is a clarificatory amendment.

The Part B States (Laws) Act, 1951.—Amendment No. (i) corrects a clerical mistake.

Amendment No. (ii). The original direction should have taken the form of the insertion of a new definition, instead of the substitution of a definition for another definition which did not exist.

Amendment No. (iii) omits an entry, the amendment contained therein having already been made by Act LXVIII of 1950.

The Port Trusts and Ports (Amendment) Act, 1951.—Section 119 is one of the sections which should have been included in the group of sections where for the words " officer " and " officers " the words " employee " and " employees " were being substituted.

The Press (Objectionable Matter) Act, 1951.—The first amendment seeks to insert the correct title of a State Act, and the second amendment to insert another State Act which should have been included originally in the Second Schedule.

The State Financial Corporations Act, 1951.—This corrects a grammatical error.

The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.—This rectifies an inadvertent omission.

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The International Monetary Fund and Bank Ordinance, 1945.—The words "British Indian currency" occurring in section 3 which were left unadapted are now being adapted by the omission of the word "British".

The Bombay Port Trust Act, 1879.—This amendment is consequential upon the regrouping of railways.

M. N. KAUL,
Secretary.

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